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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,977	03/22/2004	Kevin T. Carle	MS1-1925US	2251

22801 7590 12/21/2010
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EXAMINER

TAYLOR, JOSHUA D

ART UNIT	PAPER NUMBER
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2426

NOTIFICATION DATE	DELIVERY MODE
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12/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No. 10/806,977	Applicant(s) CARLE ET AL.	
	Examiner JOSHUA TAYLOR	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,20,21 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,20,21 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 20, 2010 has been entered.

2. The Final Rejection of June 21, 2010 is fully incorporated into this Office Action by reference.

Status of Claims

3. Claims 16, 20-21 and 30-33 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 20-21, 30-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (Pub. No.: US 2004/0177370) in view of Florence (Pub. No.: US

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2002/0188948), Karaoguz et al. (Pub. No.: US 2004/0117821) and Goddard (Pat. No.: US 6,684,240).

Regarding claim 16, Dudkiewicz discloses **a method comprising: receiving an identifier from a client device at a first configuration server**, the client device having the capability to store more than one identifier (Figs. 1 and 4, para. [0025]), **the identifier uniquely identifying a viewer profile from other viewers' profiles in the household** (para. [0025]); **receiving a first request for configuration information associated with the client device from the client device at the first configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (Figs. 5-10, paras. [0040]-[0043]. In the second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).); **identifying the requested configuration information associated with the client device based on the received identifier** (Fig. 1, "Profile ID," para. [0025]), **communicating the configuration information to the client device from the first configuration server** (paras. [0040]-[0050]); **communicating video data to the client device for display on a display device** (Fig. 4, para. [0034]); **receiving modified configuration information from the client device at the first configuration server** (para. [0043]); **storing the modified configuration information at the first configuration server** (para. [0043]), **the modified configuration information differing from the unmodified configuration information and from configuration information associated with the other users in the household** (paras. [0025] and [0043]. Once modified, the data can be different from the unmodified configuration information as well as from the configuration information from other users in the same household.); **receiving a second request**

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for configuration information associated with the client device from a second configuration server (Fig. 4, elements 22, 32, 24 and 34, para. [0036]); **and communicating the modified configuration information to the second configuration server from the first configuration server** (Fig. 4, elements 10, 16, 22 and 32, para. [0036]). Although Dudkiewicz discloses wherein the client device has the capability to store more than one identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **the client device being one of a plurality of client devices in a household, or the identifier uniquely identifying the client device from the other client devices in the household.**

However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Neither Dudkiewicz nor Florence explicitly disclose **wherein the requested configuration information is a single set of household configuration information that is applied to and shared by the plurality of client devices in the household, the household configuration information providing a default configuration for the client devices.** However,

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in analogous art, Karaoguz discloses that a default profile may be assigned to a user upon initial service provisioning, and the user may edit the default profile at any time (para. [0042]).

Therefore, since the requested configuration information in this case is sent after receiving a first request for said information, it is reasonable to assume that the users in the home may have not yet edited their respective profiles at the time of this first request, and thus it would have been obvious to one of ordinary skill in the art at the time of the invention that the default profile, as taught by Karaoguz, could have been in place for these users, and thus this default profile could be seen as a single set of household configuration information which provides a default configuration for the client devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz such that the user profiles begin in a default state, with the motivation for such a combination being that users would be able to receive media or service announcements even if said users had failed to edit a profile to reflect more specific and individual preferences (Karaoguz, para. [0042]).

Neither Dudkiewicz, Florence nor Karaoguz disclose parental controls, and thus neither explicitly disclose **communicating video data to the client device for display on a display device in accordance with the household configuration information, the household configuration including a parental lock prohibiting communication and display of an additional video program**. However, in analogous art, Goddard discloses that an authorized user, such as a parent, may generate user profiles and adjust acceptable parental lock levels for a user or group of users (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29), thus preventing users such as “Sarah” from viewing content that contains language, nudity, or adult themes, for example. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify Dudkiewicz, Florence and Karaoguz to allow for viewer profiles to have parental locks associated therewith, as this would have produced the predictable and desirable results of allowing parents or guardians to prevent children from being exposed to objectionable material.

Regarding claim 20, Dudkiewicz discloses **further comprising communicating the modified configuration information to the client device from the first configuration server during subsequent requests for configuration information from the client device** (paras. [0040]-[0050]).

Regarding claim 21, Dudkiewicz discloses **one or more computer-readable memories containing a computer program that is executable by a processor** (para. [0056]), and the combined teachings as stated above disclose **performing the method recited in claim 16**.

Regarding claim 30, Dudkiewicz discloses **a system comprising: a network** (Fig. 4, elements 10, 12, 14, 22 and 34); **a first configuration server** (Fig. 4, element 10); **a second configuration server in communication with the first configuration server via the network** (Fig. 4, element 22); **at least one re-locatable client device being in communication with the first configuration server via the network** (Fig. 4, para. [0034]); **and wherein the first configuration server is configured to: store configuration information associated with the re-locatable client device** (para. [0043]), **receive a first request for configuration information associated with a first re-locatable client device from the first re-locatable client device** (Figs. 5-10, paras. [0040]-[0043]. In the second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).); **identify the requested configuration information associated with the first re-locatable client device based on the**

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identifier associated with a first user which identifies the first user from other users in the household (Fig. 1, “Profile ID,” para. [0025]), wherein the requested configuration information is the unmodified configuration information (para. [0025]); communicate the unmodified configuration information to the first re-locatable client device (paras. [0040]-[0050]); receive modified configuration information from the first re-locatable client device (para. [0043]); store the modified configuration information (para. [0043]), the modified configuration information differing from the unmodified configuration information and from configuration information associated with the other users in the household (paras. [0025] and [0043]. Once modified, the data can be different from the unmodified configuration information as well as from the configuration information from other users in the same household.); and communicate the modified configuration information to the first re-locatable client device (Fig. 4, elements 10, 16, 22 and 32, para. [0036]). Although Dudkiewicz discloses wherein the client device has the capability to store more than one identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **a plurality of re-locatable client devices in a household, each of the re-locatable client devices in the household having an identifier which identifies the re-locatable client device from the other client devices in the household,** and thus does also not explicitly disclose **receiving a second request for configuration information associated with a second re-locatable client device from the second configuration server; and communicating the requested configuration information associated with the second re-locatable client device to the second configuration server.** However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from

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multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Neither Dudkiewicz nor Florence explicitly disclose **the configuration information including a single set of household configuration information that is applied to and shared by the plurality of client devices in the household, the household configuration information providing a default configuration for the client devices**. However, in analogous art, Karaoguz discloses that a default profile may be assigned to a user upon initial service provisioning, and the user may edit the default profile at any time (para. [0042]). Therefore, since the requested configuration information in this case is sent after receiving a first request for said information, it is reasonable to assume that the users in the home may have not yet edited their respective profiles at the time of this first request, and thus it would have been obvious to one of ordinary skill in the art at the time of the invention that the default profile, as taught by Karaoguz, could have been in place for these users, and thus this default profile could be seen as a single set of household configuration information which provides a default configuration for the client devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz such that the user profiles begin in a default state, with the

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motivation for such a combination being that users would be able to receive media or service announcements even if said users had failed to edit a profile to reflect more specific and individual preferences (Karaoguz, para. [0042]).

Neither Dudkiewicz, Florence nor Karaoguz disclose parental controls, and thus neither explicitly discloses **displaying, on the first client device, the content that is prohibited by a parental lock in the household configuration information but permitted by the modified configuration information**. However, in analogous art, Goddard discloses that an authorized user, such as a parent, may generate user profiles and adjust acceptable parental lock levels for a user or group of users (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29), thus preventing users such as “Sarah” from viewing content that contains language, nudity, or adult themes, for example. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz, Florence and Karaoguz to allow for viewer profiles to have parental locks associated therewith, which would differ between users, as the age of children could alter the content said children were allowed to view. This would have produced the predictable and desirable results of allowing parents or guardians to prevent children from being exposed to objectionable material.

Regarding claim 31, the combined teaching of Dudkiewicz, Florence, Karaoguz and Goddard disclose **a system as recited in claim 30**, and also disclose **further comprising the second re-locatable client device being in communication with the first configuration server via the network** (Dudkiewicz, Fig. 4, para. [0034]. This claim is rejected on the same grounds as claim 30.).

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Regarding claim 33, the combined teaching of Dudkiewicz, Florence, Karaoguz and Goddard disclose **the method of claim 20**, and Goddard discloses **further comprising: communicating the additional video program to the client device for display on a display device in accordance with the modified configuration information** (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29. If the modified configuration information allows a user to watch the additional video program, said user will be able to watch said program, and if the modified configuration information does not allow a user to watch the additional video program, said user will be not be able to watch said program. This claim is rejected on the same grounds as claim 20.).

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (Pub. No.: US 2004/0177370) in view of Florence (Pub. No.: US 2002/0188948) and Karaoguz et al. (Pub. No.: US 2004/0117821).

Regarding claim 32, Dudkiewicz discloses **a method comprising: receiving an identifier from a client device at a first configuration server, the identifier uniquely identifying a viewer profile from the other viewers' profiles in the household** (Figs. 1 and 4, para. [0025]); **receiving a first request for configuration information associated with the viewer profile from the client device at the first configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (Figs. 5-10, paras. [0040]-[0043]. In the second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).);

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identifying the requested configuration information associated with the client device based on the received identifier (Fig. 1, “Profile ID,” para. [0025]), communicating the unmodified configuration information to the client device from the first configuration server (paras. [0040]-[0050]); communicating video data to the client device for display on a display device (Fig. 4, para. [0034]); receiving modified configuration information from the client device at the first configuration server (para. [0043]); storing the modified configuration information at the first configuration server (para. [0043]), the modified configuration information differing from the unmodified configuration information and from configuration information associated with the other users in the household (paras. [0025] and [0043]. Once modified, the data can be different from the unmodified configuration information as well as from the configuration information from other users in the same household.); and communicating the modified configuration information to the client device from the first configuration server during subsequent requests for configuration information from the client device (paras. [0040]-[0050]). Although Dudkiewicz discloses wherein the client device has the capability to store more than one identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **the client device being one of a plurality of client devices in a household, or the identifier uniquely identifying the client device from the other client devices in the household.**

However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for

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multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Neither Dudkiewicz nor Florence explicitly disclose **wherein the requested configuration information is a single set of household configuration information that is applied to and shared by the plurality of client devices in the household, the household configuration information providing a default configuration for the client devices.** However, in analogous art, Karaoguz discloses that a default profile may be assigned to a user upon initial service provisioning, and the user may edit the default profile at any time (para. [0042]).

Therefore, since the requested configuration information in this case is sent after receiving a first request for said information, it is reasonable to assume that the users in the home may have not yet edited their respective profiles at the time of this first request, and thus it would have been obvious to one of ordinary skill in the art at the time of the invention that the default profile, as taught by Karaoguz, could have been in place for these users, and thus this default profile could be seen as a single set of household configuration information which provides a default configuration for the client devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz such that the user profiles begin in a default state, with the motivation for such a combination being that users would be able to

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receive media or service announcements even if said users had failed to edit a profile to reflect more specific and individual preferences (Karaoguz, para. [0042]).

Response to Arguments

5. Applicant's arguments with respect to claims 16, 20, 21 and 30-33 have been considered but are moot in view of the new grounds of rejection.

However, even though the following argument is moot, Examiner wishes to address it as it may relate to the case at a later date.

Regarding Applicant's argument on pages 9-10 concerning claim 16:

In response, Applicant first notes that the "sharing" described by the Examiner is not what one of ordinary skill in the art would understand the claimed "sharing" as referring to. The Examiner states that the viewer profiles for multiple household members may indicate that the members are Colt fans (see page 3 of rejection). Applicant submits that, even if Dudkiewicz does suggest common content among viewer profiles, this is not the same as sharing information. To illustrate Applicant's contention, here is an example. If both Jack and Jill have a copy of a new bestselling book, we would not say that they share this book. Rather, each person has their own copy of the book. For the bestseller to be shared, there would need to be one copy passed between Jack and Jill. Likewise, in Dudkiewicz, each viewer has her own viewer profile. Even where profiles have common content, that content is not shared. Each viewer retrieves a separate profile that is used and updated without reference to any other profile. Simply put, the arrangement of Dudkiewicz is not sharing.

Examiner's response:

To give an alternate example, if Jack and Jill both have blue eyes, they can be said to share a character trait. Or to expand on Applicant's example, Jack and Jill, both having a copy of a best selling book, could be said to share a love of reading. Thus, in forming a profile of Jack, one could say that his profile included a love of reading, as would Jill's, and thus they could

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share profile information. However, since Dudkiewicz is no longer used for this claim limitation, this argument is currently moot.

Conclusion

6. Claims 16, 20-21 and 30-33 are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

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/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

December 16, 2010